

ORDINANCE NO. \_\_\_\_\_

PROPOSED ORDINANCE NO. 13-023

**AN ORDINANCE RELATING TO PUBLIC RECORDS; ADOPTING FINDINGS; ESTABLISHING GUIDELINES AND A SCHEDULE OF FEES TO BE CHARGED FOR THE RETRIEVAL AND COPYING OF PUBLIC RECORDS; PROVIDING FOR THE ESTABLISHMENT OF FUTURE FEES AND CHARGES BY RESOLUTION; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Lakeland, Florida is authorized by Chapter 119 of the Florida Statutes to establish reasonable fees to produce duplicate City records and for certain services provided pursuant to a public records request; and

**WHEREAS**, the City Commission wishes to establish guidelines and fees for responding to public records requests in order to ensure City-wide consistency and compliance with state law when responding to such requests;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:**

**SECTION 1. Findings.** The foregoing findings are incorporated herein by reference and made a part hereof.

**SECTION 2. Fee Schedule.** The following schedule of fees is hereby established for copies of public records in the custody of the City of Lakeland:

One-sided copy (not more than 8 ½ x 14 inches)	\$0.15 per page
Two-sided copy (not more than 8 ½ x 14 inches)	\$0.20 per page
All other copies (CD ROM, DVD, blueprints, maps, mylars, etc.)	Actual cost of duplication (material and supplies, not labor)
Certified copies	\$1.00 per page
Packaging and shipping	Actual cost incurred (material and supplies, not labor)

**SECTION 3. Use of Electronic Media to Respond.** When documents can be sent by e-mail and the requesting party has not objected to that form of record production or requested production in another form, e-mail should be utilized in the interest of efficiency and to minimize costs. If the volume of documents requested is too large for feasible production via e-mail, one or more CD ROM's or DVD's should be utilized or arrangements should be made to enable the requesting party to remotely access the requested documents via the internet. Regardless of the method of production utilized, appropriate measures shall be taken to ensure that the integrity of all records is protected and that no confidential or exempt records are disclosed or subject to access.

**SECTION 4. Fees for Extensive Use of City Resources.** If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the City, or both, the City may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the clerical and supervisory assistance required, or both.

a. Clerical or supervisory assistance includes searching for and/or locating the requested record, reviewing the record for content that is made exempt or confidential, or criminal to disclose, redacting qualifying content, and preparing, copying and re-filing the requested record.

b. The special service charge provided for herein is in addition to the actual cost of duplication.

c. A special service charge is warranted if the nature or volume of the public records requested to be inspected or copied requires more than 30 minutes of City resources. In determining whether to impose a special service charge, time shall be computed for individual requests only and shall not be totaled for separate requests.

d. If multiple City divisions are involved, the special service charge will be based on the aggregate amount of time expended by all personnel and information technology resources.

e. The charge for clerical or supervisory resources will be no greater than the hourly rate, including benefits, of the lowest paid personnel capable of providing such services.

**SECTION 5. Payment in Advance.** If fees are expected to be imposed for copies and/or the extensive use of resources, as provided above, the requestor will be advised of estimated costs. An initial deposit of fifty percent (50%) of the total estimated costs may be required of the requesting party before beginning to perform the required work if the estimated cost to fulfill the request is over \$100.

Full payment will be collected as a precondition to providing the requested materials.

**SECTION 6. Clarification of Requests.** If a vague or excessively broad request is received, including one that does not include specification of the type of record requested, the identity of the person(s) who created the record(s) desired, or the identification of a time frame for the requested records, the qualifying City records are likely to be voluminous and held in many locations and media forms. In order to avoid billing requesting parties for the location and production of records not in fact desired, responding City personnel are encouraged to communicate with the requesting party in order to clarify the requesting party's intended request. However, it is not permitted under Florida law to require a requesting party to make a public records request in writing, to identify him or herself, or to identify the purpose of the request and City personnel shall not require a requesting party to provide such documentation or information as a condition of providing the requested records.

**SECTION 7. Posting Frequently-Requested Records Online.** Many easily accessible records are available online for no charge. The City of Lakeland will continue to add documents and information to its website as some of the more frequently requested public records are identified.

**SECTION 8. Amendment of Rates and Charges by Resolution.** The rates and charges established herein shall remain in force and effect until superseded by duly enacted resolution of the City Commission, but in no event shall any fees and charges imposed by the City exceed the fees and charges allowed by law.

**SECTION 9.** Ordinance Nos. 2654 and 3835 and Resolution No. 4244 are hereby repealed.

**SECTION 10.** Notwithstanding anything herein to the contrary, this Ordinance shall be interpreted and applied so as to be fully consistent with state law applicable to public records.

**SECTION 11.** If any word, sentence, clause, phrase, or provision of this Ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

**SECTION 12.** This Ordinance shall take effect immediately upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 20th day of May, A.D. 2013.

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GOW B. FIELDS, MAYOR

ATTEST: \_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
TIMOTHY J. McCAUSLAND  
CITY ATTORNEY